

Amendments to the Drawings:

Fig. 3 has been amended to add reference numeral 27 to the network identified by "PSTN/PLMN".

REMARKS

The present invention relates to the delivery of content over a broadcast network having hierarchical transmission modes such as the DVB-T standard and may be embodied as a head end device for use in a hierarchical network, a method of transmitting content in an hierarchical network, a system for delivering content over a hierarchical network and a method of delivery of content to a terminal in a network having a plurality of hierarchically modulated simultaneously transmitted data streams. A head end device for use in a hierarchical network 1 in accordance with the invention includes a classifier 35 connectable to a source of content, which may be the Internet, into at least one of a plurality of hierarchically modulated simultaneously transmitted data streams which respectively have a different priority assigned to the content therein corresponding to a particular class of the content. See page 6, lines 4-15, of the original specification for an example of hierarchically modulated simultaneously transmitted data streams as used with the DVB-T standard which may be used with the practice of the present invention.

Claims 1-44 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent 5,987,518 (Gotwald). These grounds of rejection are traversed for the following reasons.

Each of independent claims 45, 50, 57 and 60 substantively recites the placing of classified content into a plurality of hierarchically modulated simultaneously transmitted data streams which respectively have a different priority assigned to the contents therein corresponding to a particular class of the content. This subject matter has no counterpart in Gotwald.

Gotwald discloses prioritizing of data into content classifications 100-108 illustrated in Fig. 4 which represents the multiplexing of MPEG2 content by driver 56 which assigns priority. The messages are processed in a first in first out manner with FIFO 108 being the highest priority which sets a sequential order of transmission of the messages in accordance with assigned priority within FIFO's 100-108 which are modulated by conventional modulation 62. There is no counterpart in the claimed hierarchically modulated simultaneously transmitted data streams which respectively have a different priority assigned to the contents therein corresponding to a particular class of the content.

Moreover, there is no basis in the record why a person of ordinary skill in the art would be led to modify the teachings of Gotwald to arrive at the subject matter of the independent claims.

The dependent claims define more specific aspects of the present invention which are neither anticipated nor rendered obvious by Gotwald.

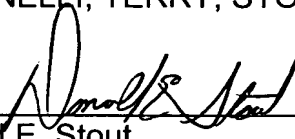
In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (0171.40302X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read "Donald E. Stout", is written over a horizontal line.

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Attachments
DES:dlh